

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**RASHEED NIFAS,**  
**Plaintiff**

**v.**

**CO.1. SERRANO, et al.,**  
**Defendants**

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**No. 1:19-cv-1646**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 25th day of February 2020, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Plaintiff's motion for leave to file a sur-reply (Doc. No. 14) is **GRANTED**, and the Clerk of Court is directed to file Plaintiff's sur-reply (Doc. No. 14-1) as a separate document on the docket in the above-captioned case;
2. Defendants' motion to dismiss (Doc. No. 9) is **GRANTED**;
3. Plaintiff's First Amendment retaliation claim against Defendant Serrano and his Fourteenth Amendment due process claims against Defendants Walters and Morris are **DISMISSED WITH PREJUDICE**, and the Clerk of Court is directed to terminate Defendants Serrano, Walters, and Morris from the docket in the above-captioned case;
4. Plaintiff's First Amendment retaliation claims against Defendants Behney, Biladeau, and Luscavage are **DISMISSED WITHOUT PREJUDICE** to Plaintiff's right to file an amended complaint within thirty (30) days of the date of this Order regarding these claims. If Plaintiff elects to file an amended complaint, Plaintiff is advised to adhere to the standards set forth in the Federal Rules of Civil Procedure and the directives set forth by this Court in its accompanying Memorandum. Specifically, the amended complaint must be complete in all respects. It must be a new pleading which stands by itself without reference to the original complaint or any other documents already filed. The amended complaint should set forth Plaintiff's claims in short, concise and plain statements as required by Rule 8 of the Federal Rules of Civil Procedure. Each paragraph should be numbered. The amended complaint should specify which actions are alleged as to which defendants and sufficiently allege personal involvement of the defendant in the acts which Plaintiff claims violated his rights. Mere conclusory allegations will not set forth cognizable claims;
5. The Clerk of Court is directed to provide Plaintiff a civil rights complaint form to use for filing his amended complaint; and

6. If Plaintiff fails to file an amended complaint regarding his retaliation claims against Defendants Behney, Biladeau, and Luscavage within thirty (30) days, the Court will dismiss this action for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania